

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MYRIAM ZAYAS

Plaintiff,

v.

JULIE DECAMP,

Defendant.

Case No. C24-640-RSM

ORDER REVOKING IN FORMA
PAUPERIS STATUS ON APPEAL

This matter comes before the Court on a referral from the Ninth Circuit to determine whether in forma pauperis (“IFP”) status should continue on appeal. Dkt. #10. *Pro se* Plaintiff Myriam Zayas was granted leave to proceed IFP in this matter on May 10, 2024. Dkt. #4. On May 16, 2024, Plaintiff’s claims were dismissed. Dkt. #6. The case was closed. *Id.*

Where, as here, a party was permitted to proceed IFP in the District Court, the party may proceed on appeal in forma pauperis without further authorization unless the District Court certifies in writing that the appeal is not taken in good faith or that the party is not otherwise entitled to proceed IFP. Fed. R. App. P. 24(a)(3); 28 U.S.C. § 1915(a)(3) (“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”). An appeal is taken in “good faith” where it seeks review of at least one issue or claim that is found to be “non-frivolous.” *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

1 An issue is “frivolous” where it “lacks an arguable basis either in law or in fact.” *Neitzke v.*
2 *Williams*, 490 U.S. 319, 325 (1989). Legally frivolous claims are those “based on an indisputably
3 meritless legal theory,” such as claims against defendants who are immune from suit or for
4 infringement of a legal interest that clearly does not exist. *Id.* at 327.

5 Ms. Zayas is well known to this Court, having filed roughly thirty *pro se* cases in the last
6 four years. Most of these cases relate to state family law matters or bring claims against the
7 people Ms. Zayas has encountered through the state family law system. *See, e.g.*, Case No. C21-
8 581-RSM (Plaintiff sued a kindergarten teacher who testified in her child’s dependency hearing);
9 Case No. C22-642-RSM (Plaintiff sued Washington State’s Secretary of the Department of
10 Children, Youth, and Families and others alleging a conspiracy to turn Washington’s child
11 dependency process into a sham forced-adoption process); Case No. C23-5165-BHS (Plaintiff
12 sued a regional supervisor with the state Department of Children, Youth, and Families for
13 “stalking” her and her children for more than fifteen years and removing plaintiff’s children from
14 her without “probable cause”). In each of the above cases, the claims were dismissed, Ms. Zayas
15 appealed, and the appeals were unsuccessful.

16 Plaintiff’s claims in this case were dismissed after careful review of her Complaint. Her
17 requested relief was an injunction contrary to a state court order and for state agency employees
18 to be arrested. *See* Dkt. #5 at 5. The Court concluded, and continues to conclude, that Plaintiff’s
19 claims clearly relate to a family law matter or enforcement of state court orders involving her
20 children, which is outside of federal subject matter jurisdiction both because family law matters
21 are handled by the states and because federal court review of state court decisions is barred under
22 the *Rooker-Feldman* doctrine. The Court therefore believes that any appeal in this case
23 necessarily lacks an arguable basis in law or in fact.
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1 This Court cannot find that Plaintiff's appeal has been taken in good faith. The Court
2 maintains that, by its assessment of the Complaint, Plaintiff's appeal is clearly frivolous.
3 Accordingly, the Court hereby FINDS AND ORDERS that Plaintiff's in forma pauperis status is
4 REVOKED. The Court directs the clerk to provide a copy of this Order to the Ninth Circuit.

5 DATED this 5th day of June, 2024.

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8 RICARDO S. MARTINEZ
9 UNITED STATES DISTRICT JUDGE
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